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C O N F I D E N T I A L SECTION 01 OF 02 KYIV 001340

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TAGS: [PGOV](#) [PREL](#) [UP](#)
SUBJECT: UKRAINE: RADA WORKS FOR ANOTHER "ONE MORE DAY" -
WILL MORE DAYS BE NEEDED?

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Classified By: DCM Sheila Gwaltney for reasons 1.4(a,b,d).

¶1. (SBU) Summary. President Yushchenko relented again and extended authorization for the Rada to convene again June 1 in the hope that it would finish all its election-related business. Yushchenko, arriving back in Kyiv from his trip to Zagreb at 3 a.m., held morning meetings separately with PM Yanukovych and opposition leaders Tymoshenko and Kyrylenko. The Rada session opened late amidst recriminations. The opposition registered 168 resignation letters late May 31, laying the groundwork for the legal rationale to dissolve the Rada and hold new elections, but so far Speaker Moroz has been unwilling to announce them, the next step in the process. As of 1800, the only real election-related action taken was approval in the first reading of amendments to the law on parliamentary elections. The law, tabled by the coalition, includes provisions that would prohibit absentee voting for pre-term elections and require a 50 percent voter turnout for the elections to be valid. Yanukovych and Moroz briefed the diplomatic corps in the afternoon in rather defensive tones, claiming that the laws on the MPs and budget amendments would be passed late June 1, but that another 50 laws needed to be reviewed and 15 to be introduced. A wholesale overhaul of the 15 member Central Election Commission (CEC), giving the current coalition and opposition each seven representatives, with the Chair to be agreed upon between Yushchenko and Yanukovych, is also in the works.

¶2. (C) Comment. The slow-roll delaying tactics of Moroz in particular and the coalition in general in failing to close the deal on election-related legislation in the Rada continued for a fourth day. Yushchenko's May 31 threat to suspend the process and call elections within 60 days was not realized, and it did not achieve its likely aim of spurring the coalition to quicker action. The process sputters forward in the direction of early elections September 30, but hard-nosed, self-interested politicking on both sides in matters both directly related and unrelated to the elections is almost certain to continue. As of 1800 hours, the Rada was on a short break before resuming work, but as the day goes on, it looks increasingly likely that more Rada sessions will be needed in order to pass all of the legislation included in the May 27 compromise leading to early elections. What is less clear is how long Yushchenko will continue to issue the decrees required to permit the full Rada to work. End Summary and Comment.

"Do Little" Rada does a little more, barely

¶3. (SBU) First Deputy Speaker Martynyuk (Communist) opened the Rada session at 10 a.m., only to announce the Rada would

immediately break because there were no opposition MPs in the hall. At 10:45--with BYuT and OU still not in attendance--the Socialists began contesting those who dismissed (Socialist) Interior Minister Tsushko's alleged "poisoning," claiming they had information that it was true. (Note. Tsushko flew to Germany late May 31, officially for medical treatment, amidst confusion about whether he had suffered a heart attack, been poisoned, or was using his "illness" to avoid arrest or other legal fallout from the use of MOI BERKUT riot police to break into the Prosecutor General's Office and spark a security standoff with State Protection Service on May 24. End note.)

¶4. (SBU) The President and PM held a brief morning meeting--but no details were released. At 11:20 the two opposition factions returned to the chamber with Our Ukraine leader Kyrylenko stressing that the Rada had "today and only today" to pass all election-related bills, because opposition party congresses would approve the resignations on June 2, meaning that there could be no empowered Rada on Monday. There was a slight flurry of what a BYuT MP had predicted to us May 31 would be a manufactured scandal when one BYuT MP (Oliynyk) announced that he did not want to resign from the Rada, that many BYuT deputies had signed their resignation letters under pressure, and should not be considered valid due to technically format reasons. The coalition greeted Oliynyk's statement with enthusiastic ovation; Moroz said he would not announce the resignations until all opposition MPs submit to him written requests to announce their resignations. (Note: opposition MPs have been telling us that the coalition has been using both bribe offers and threats to try to reduce the number of MPs willing to resign. We have also heard that opposition leaders have also been active in offering payments to their deputies to resign. End note.)

¶5. (SBU) Finally turning to business, the Rada adopted in a first reading the coalition-penned amendments to the parliamentary election law. The amendment bill, which

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requires at least one more vote to come into force, contains several troubling clauses: it requires a 50 percent voter turnout for the election to be valid and prohibits the use of absentee ballots in preterm elections. The law also mandates the State Border Guard to provide election commissioners with the names of individuals who depart Ukraine within three days of the election and who have not returned before election day. Deputy Speaker Martynyuk announced that BYuT had raised a question about the law, which meant that, under Rada rules of procedure, they could not hold the second vote on the law for two weeks.

¶6. (C) Comment. It is clear that the coalition, led by Moroz and both Socialist and Communist deputies, is dragging out this process out as long as possible. It had been proposed earlier this week that the Rada fastrack all the votes on election laws, as they did with the 11 WTO laws on May 31, but the coalition, especially the Socialists and Communists, have blocked this tactic. Regions does not appear to be putting much pressure on its junior partners to speed up the process. The turnout requirement is a Soviet era legacy that has encouraged voter fraud in post-Soviet states; Ukraine had eliminated turnout requirements after the 1998 elections.

CEC Machinations

¶7. (SBU) OU MP and former CEC commissioner Ruslan Knyazevych told the press early June 1 that the opposition had prepared its seven nominees for the CEC, confirming rumors that replacing the current commission was part of the election agreement. He said that Yushchenko and Yanukovych had floated ideas for the chairman--including current Chairman Davydovych, former Chairman Ryabets, and recently dismissed Deputy Prime Minister Radchenko--but he did not believe a new name could still appear. He said that the opposition had

agreed to renominate four current commissioners and would nominate three more--one from OU and two from BYuT. The press later reported that Yushchenko's nominees for the opposition slots had been delivered to the Rada. However, the legislation required to make the changes at the CEC has not yet been considered by the Rada.

Yanukovych and Moroz Brief the Dip Corps Again

18. (SBU) Yanukovych and Moroz called the diplomatic corps together the afternoon of June 1, but had little real information to share. Instead, they both took the opportunity to argue that they were adhering to all aspects of the May 27 agreement, but that the President was rushing the Rada unrealistically (note: the agreement called for legislation to be passed in a two day window May 29-30. End note). Moroz also claimed that there were 50 laws that should be amended and 15 new ones introduced if they wanted to do the elections right. He also criticized the opposition's resignation plans, saying that they had offered no clarity on when they would actually step down and claiming a number of the applications were "suspicious." Yanukovych emphasized that the Cabinet had streamlined its work this week to get all needed bills to the Rada as fast as possible and that it was now the parliament's turn to work. However, he warned that the elections must be democratic and that democracy took time. When pushed by the Ambassador during the question and answer session, Moroz finally conceded that he thought that the legislation on the election law and budget financing would be adopted by the end of June 1.

19. (U) Visit Embassy Kyiv's classified website:
www.state.sgov.gov/p/eur/kiev.
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